

**BOARD OF ENVIRONMENTAL PROTECTION  
Meeting Minutes**

August 21, 2008

A meeting of the Board of Environmental Protection was held on Thursday, August 21, 2008 at the Holiday Inn / Ground Round, Augusta, Maine. Ernest W. Hilton, Chair, called the meeting to order at 08:00 a.m. with the following individuals present:

**Board:** Elizabeth Ehrenfeld, Richard Gould, M. Wing Goodale, Don Guimond, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler

Absent: Sue Lessard and Matt Scott

<b><u>Staff:</u></b>	Bureau of Land and Water Quality	Val Whittier
	Bureau of Land and Water Quality	James Cassida
	Bureau of Land and Water Quality	Hetty Richardson
	Bureau of Land and Water Quality	Susan Davies

**Others:** Andy Fisk, Director Bureau of Land and Water Quality (for Commissioner Littell)  
Peggy Bensinger, Assistant Attorney General (Beaver Ridge Wind appeal only)  
Cindy Bertocci, BEP Executive Analyst  
Terry Hanson, Administrative Assistant

***(Meeting adjourned at approximately 11:30 a.m.)  
(Site Visit ended at approximately 5:00 p.m.)***

**I. DEPARTMENTAL**

- A. COMMISSIONER'S COMMENTS:** Andrew Fisk, Director Bureau of Land and Water Quality, briefed the Board on behalf of Commissioner Littell and reported the following:

Budget: The Department has received instructions for the development of its budget submittal which is due in September. The State anticipates a structural gap and all Departments will likely receive instructions to identify budget reductions.

Legislative: The Department is working on its legislative proposals for submission to the Governor's Office. As the December deadline approaches, the Department's initial list of 44 proposed items will be prioritized and some eliminated.

Enforcement: The Department is working with the Office of the Attorney General concerning discharges from the Winterwood composting facility into Lord Brook (a significant trout fishery in Lyman). The matters to be addressed include bankruptcy of the business and the associated closure and remediation of the facility.

**B. COMMENTS FROM THE BEP CHAIR:**

Chairman Hilton congratulated Board member Goodale on the recent success of his niece, Anna Goodale, who won an Olympic gold medal in the woman's crew competition.

**C. EXECUTIVE ANALYST COMMENTS:** None

**D. BOARD CALENDAR:** Reviewed

**E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING:**

Board member Elizabeth Ehrenfeld asked for additional information on an application submitted by Exxon Mobil for storage of ethanol. Board staff will follow-up with all Board members concerning details associated with this application.

**F. EXECUTIVE SESSION:** None

**II CONSENT AGENDA ITEMS**

1. CITY OF AUGUSTA, AUGUSTA – Administrative Consent Agreement (BLWQ – Land)
2. LEON G. CLIFF / H.E. CLIFF & SONS, LEVANT – Administrative Consent Agreement (BLWQ - Land)
3. TOWN OF RUMFORD, RUMFORD – Administrative Consent Agreement (BLWQ – Water)
4. WYMAN & SIMPSON, INC, RICHMOND - Administrative Consent Agreement (BRWM)

Board voted (8-0-0-2) on a motion to approve consent agenda items 1, 2, 3, and 4 as presented:

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Lissa Widoff, and Nancy Ziegler voted to support the motion. Board members Sue Lessard and Matt Scott were absent.*

### **III. Regular Agenda**

1. CHAPTER 310 WETLANDS AND WATERBODIES PROTECTION, SECTION 5(A) GENERAL STANDARDS, AVOIDANCE (post to 30-day written comment)

Staff: Hetty Richardson, Bureau of Land and Water Quality

The Board voted (8-0-0-2) on a motion to post Chapter 310 Wetlands and Waterbodies Protection, Section 5(A) General Standards, Avoidance to a 30-day written public comment period. The amendments would expand the categories of activities located in, on or over wetlands of special significance that may be considered for approval by the Department. The anticipated deadline for submittal of written comments is October 3, 2008. The Board voted pursuant to 38 M.R.S. Sections 341-D(1-B), and 480-A through 480-FF.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members Sue Lessard and Matt Scott were absent.*

2. 2008 PROPOSED WATER QUALITY RECLASSIFICATION FOR CERTAIN MAINE WATERS (post to public hearing)

Staff: Susan Davies, Bureau of Land and Water Quality

The Board voted (7-0-1-2) on a motion to post to public hearing the Department's recommendations for changes to water quality standards and classifications assigned to specific waterbodies as presented in the 2008 Proposed Water Quality Reclassifications for Certain Maine Waters. The Board anticipates conducting a hearing on September 18, 2008 and establishing October 2, 2008 as the deadline for submittal of written comments. The vote was taken pursuant to 38 M.R.S. Sections 341-D(1-B), and 464.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler voted to support the motion. Board member Don Guimond recused. Board member Sue Lessard and Matt Scott were absent.*

3. BEAVER RIDGE WIND LLC – PERMIT BY RULE #44177 (appeal by Steven Bennett)

Staff: James Cassida and Valerie Whittier, Bureau of Land and Water Quality

The Board voted (7-0-1-2) on a motion to deny the appeal submitted by Steve Bennett and approve the draft proposed Board order with a minor typographical

correction on page one ~~ ...The applicant confirmed that the amount of new impervious area reflected in the application was correct, at ~~0.05~~ **0.5** acres. The vote affirmed the Commissioner's decision on Stormwater Management Law Permit By Rule #44177 associated with development of a three wind turbine facility in Freedom. The Board voted pursuant to 38 M.R.S. Sections 341-D(4) and 420-D and 06-096 CMR Chapter 2 and Chapter 500.

*Board members Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, P. Andrews Nixon, and Nancy Ziegler voted to support the motion. Board member Lissa Widoff recused. Board members Sue Lessard and Matt Scott were absent.*

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Informational Site Visit: Following the Board Meeting, the following members toured Verso Paper's Jay facility: Elizabeth Ehrenfeld, M. Wing Goodale, Richard Gould, Don Guimond, Ernest Hilton, Lissa Widoff and Nancy Ziegler.

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Next Regular Meeting –Thursday, September 4, 2008 – 9:00 a.m. Holiday Inn / Ground Round